

HOUSE BILL No. 1154

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-4.

Synopsis: Unemployment insurance. Requires the department of workforce development to give its annual presentation regarding the status of the unemployment compensation system to the interim study committee on employment and labor (instead of the budget committee, as provided in current law). Modifies the law governing the department of workforce development's recordkeeping, release of records, and confidentiality duties and obligations.

Effective: July 1, 2017.

Leonard

January 9, 2017, read first time and referred to Committee on Employment, Labor and Pensions.



First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1154

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-4-18-1, AS AMENDED BY P.L.171-2016,
2 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 1. (a) There is created a department under
4 IC 22-4.1-2-1 which shall be known as the department of workforce
5 development.

6 (b) The department of workforce development may **do the**
7 **following:**

8 (1) Administer the unemployment insurance program.

9 (2) Enter into agreements with the United States government that
10 may be required as a condition of obtaining federal funds related
11 to activities of the department under this article.

12 (3) Enter into contracts or agreements and cooperate with local
13 governmental units or corporations, including profit or nonprofit
14 corporations, or combinations of units and corporations to carry
15 out the duties of the department imposed by this article, including
16 contracts for the delegation of the department's administrative,
17 monitoring, and program responsibilities and duties set forth in



- 1 this article.
- 2 (c) The payment of unemployment insurance benefits must be made
3 in accordance with 26 U.S.C. 3304.
- 4 (d) The department of workforce development may do all acts and
5 things necessary or proper to carry out the powers expressly granted
6 under this article, including the adoption of rules under IC 4-22-2.
- 7 (e) The department of workforce development may not charge any
8 claimant for benefits for providing services under this article, except as
9 provided in IC 22-4-17-12.
- 10 (f) The department of workforce development shall do the
11 following:
- 12 (1) Submit a report to the general assembly in an electronic
13 format under IC 5-14-6 and to the governor before December 1 of
14 each year concerning the status of the unemployment
15 compensation system, including the following:
- 16 (A) Recommendations for maintaining the solvency of the
17 unemployment insurance benefit fund established under
18 IC 22-4-26-1.
- 19 (B) Information regarding expenditures from the special
20 employment and training services fund.
- 21 (C) Information regarding money released under
22 IC 22-4-25-1(c).
- 23 (2) Make a presentation **before November 1 of each year** to the
24 **budget committee at each meeting of the budget committee held**
25 **before November 1, 2016; interim study committee on**
26 **employment and labor (established under IC 2-5-1.3-4)**
27 concerning the status of the unemployment compensation system,
28 including the following:
- 29 (A) Recommendations for maintaining the solvency of the
30 unemployment insurance benefit fund established under
31 IC 22-4-26-1.
- 32 (B) Information regarding expenditures from the special
33 employment and training services fund.
- 34 (C) Information regarding money released under
35 IC 22-4-25-1(c).
- 36 (D) Any other information requested by the ~~budget committee;~~
37 **interim study committee on employment and labor.**
- 38 (g) In addition to the duties prescribed in subsections (a) through (f),
39 the department of workforce development shall establish, implement,
40 and maintain a training program in the nature and dynamics of
41 domestic and family violence for training of all employees of the
42 department who interact with a claimant for benefits to determine



1 whether the claim of the individual for unemployment benefits is valid
 2 and to determine that employment separations stemming from domestic
 3 or family violence are reliably screened, identified, and adjudicated and
 4 that victims of domestic or family violence are able to take advantage
 5 of the full range of job services provided by the department. The
 6 training presenters shall include domestic violence experts with
 7 expertise in the delivery of direct services to victims of domestic
 8 violence, including using the staff of shelters for battered women in the
 9 presentation of the training. The initial training shall consist of
 10 instruction of not less than six (6) hours. Refresher training shall be
 11 required annually and shall consist of instruction of not less than three
 12 (3) hours.

13 SECTION 2. IC 22-4-19-6, AS AMENDED BY P.L.110-2010,
 14 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2017]: Sec. 6. (a) Each employing unit shall keep true and
 16 accurate records containing information the department considers
 17 necessary. These records are:

- 18 (1) open to inspection; and
- 19 (2) subject to being copied;

20 by an authorized representative of the department at any reasonable
 21 time and as often as may be necessary. The department, the review
 22 board, or an administrative law judge may require from any employing
 23 unit any verified or unverified report, with respect to persons employed
 24 by it, which is considered necessary for the effective administration of
 25 this article.

26 (b) Except as provided in subsections (d) and (f), information
 27 obtained or obtained from any person in the administration of this
 28 article and the records of the department relating to the unemployment
 29 tax or the payment of benefits is confidential and may not be published
 30 or be open to public inspection in any manner revealing the individual's
 31 or the employing unit's identity, except in obedience to an order of a
 32 court or as provided in this section.

33 (c) A claimant or an employer at a hearing before an administrative
 34 law judge or the review board shall be supplied with information from
 35 the records referred to in this section to the extent necessary for the
 36 proper presentation of the subject matter of the appearance. ~~The~~
 37 ~~department may make the information necessary for a proper~~
 38 ~~presentation of a subject matter before an administrative law judge or~~
 39 ~~the review board available to an agency of the United States or an~~
 40 ~~Indiana state agency.~~

41 (d) The department may release the following information:

- 42 (1) Summary statistical data may be released to the public.



1 (2) Employer specific information known as **ES 202 Quarterly**
 2 **Census of Employment and Wages** data and data resulting from
 3 enhancements made through the business establishment list
 4 improvement project may be released to the Indiana economic
 5 development corporation only for the following purposes:

6 (A) The purpose of conducting a survey.

7 (B) The purpose of aiding the officers or employees of the
 8 Indiana economic development corporation in providing
 9 economic development assistance through program
 10 development, research, or other methods.

11 (C) Other purposes consistent with the goals of the Indiana
 12 economic development corporation and not inconsistent with
 13 those of the department, including the purposes of IC 5-28-6-7.

14 (3) Employer specific information known as **ES 202 Quarterly**
 15 **Census of Employment and Wages** data and data resulting from
 16 enhancements made through the business establishment list
 17 improvement project may be released to:

18 (A) the budget agency; ~~and~~

19 (B) the legislative services agency only for aiding the
 20 employees of the budget agency or the legislative services
 21 agency in forecasting tax revenues; **and**

22 (C) **the Indiana department of labor for the purpose of**
 23 **conducting a survey and reporting to the United States**
 24 **Department of Labor or the federal Bureau of Labor**
 25 **Statistics.**

26 (4) Information obtained from any person in the administration of
 27 this article and the records of the department relating to the
 28 unemployment tax or the payment of benefits for use by the
 29 following governmental entities:

30 (A) ~~department of state revenue; an agency of the United~~
 31 ~~States; or~~

32 (B) ~~state or local law enforcement agencies; an agency of the~~
 33 ~~state; or~~

34 (C) **a public official for use in the performance of the**
 35 **public official's duties;**

36 only if there is an agreement that the information will be kept
 37 confidential and used for legitimate governmental purposes.

38 (e) The department may make information available under
 39 subsection ~~(d)(1)~~, ~~(d)(2)~~, or ~~(d)(3)~~ **(d)** only:

40 (1) if:

41 (A) data provided in summary form cannot be used to identify
 42 information relating to a specific employer or specific



- 1 employee; or
- 2 (B) there is an agreement that the employer specific
- 3 information released to the ~~Indiana economic development~~
- 4 ~~corporation; the budget agency; or the legislative services~~
- 5 ~~agency~~ will be treated as confidential and will be released only
- 6 in summary form that cannot be used to identify information
- 7 relating to a specific employer or a specific employee; and
- 8 (2) after the cost of making the information available to the
- 9 person requesting the information is paid under IC 5-14-3.
- 10 (f) In addition to the confidentiality provisions of subsection (b), the
- 11 fact that a claim has been made under IC 22-4-15-1(c)(8) and any
- 12 information furnished by the claimant or an agent to the department to
- 13 verify a claim of domestic or family violence are confidential.
- 14 Information concerning the claimant's current address or physical
- 15 location shall not be disclosed to the employer or any other person.
- 16 Disclosure is subject to the following additional restrictions:
- 17 (1) The claimant must be notified before any release of
- 18 information.
- 19 (2) Any disclosure is subject to redaction of unnecessary
- 20 identifying information, including the claimant's address.
- 21 (g) An employee:
- 22 (1) of the department who recklessly violates subsection (a), (c),
- 23 (d), (e), or (f); or
- 24 (2) of any governmental entity listed in subsection (d)(4) who
- 25 recklessly violates subsection (d)(4);
- 26 commits a Class B misdemeanor.
- 27 (h) An employee of the Indiana economic development corporation,
- 28 the budget agency, or the legislative services agency who violates
- 29 subsection (d) or (e) commits a Class B misdemeanor.
- 30 (i) An employer or agent of an employer that becomes aware that a
- 31 claim has been made under IC 22-4-15-1(c)(8) shall maintain that
- 32 information as confidential.
- 33 (j) The department may charge a reasonable processing fee not to
- 34 exceed two dollars (\$2) for each record that provides information about
- 35 an individual's last known employer released in compliance with a
- 36 court order under subsection (b).

